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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,321	10/19/2000	Mohamed M. Abdelaziz	5181-57700	8845
7590 Robert C. Kowert Conley, Rose & Tayon PC PO Box 398 Austin, TX 78767-0398		03/29/2007	EXAMINER SINGH, RACHNA	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 03/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/693,321

Examiner

Rachna Singh

Applicant(s)

ABDELAZIZ ET AL.

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet


Heather R. Herndon
Supervisory Patent Examiner
Technology Center 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: If a reply is not fully responsive to the new ground of rejection in the Examiner's Answer and is not bona fide (e.g., does not address the new ground of rejection) and the two-month time period has expired, examiner must sua sponte dismiss the appeal as to the claims subject to the new ground of rejection. A notice of non-compliance was mailed out as a courtesy on 12/19/06. Applicant has failed to properly address the new grounds of rejection. 37 CFR 41.39(b)(1) requires any amendment or submission of affidavits or other evidence must be relevant to the new ground of rejection. As stated previously, in the notice of non-compliance, Applicant's amendment is not relevant or drawn to the new rejection. Specifically, the new grounds of rejection presented in the Examiner's Answer was to address the interpretation of the term "service" as defined in the Specification. Appellant's amendments recite features dealing with the structure of hardware in a computing environment (i.e. separate devices). Therefore, the claims are not drawn to the new grounds of rejection because the addition of hardware does not attempt to define or clarify the definition of the term "service". The mere execution on a separate devices does nothing to define "service". Therefore, the appeal as to claims 1, 3-8, 10-17, and 19-57 is dismissed, and these claims are canceled. Please see MPEP 1207.03.